

REMARKS

I. Introduction

Claims 1, 2, 4, 7, 11, 12, 14, 17, 18, and 21 are pending and are rejected. Claims 1 and 11 have been amended. Claims 3, 5, 6, 8, 9, 10, 13, 15, 16, 19, and 20 have been previously cancelled. Claims 1 and 11 are the only independent claims.

II. The Rejections

A. The Rejections Under §112

Claims 1-2, 4, 7, 11-12, 14, 17-18, and 21 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. These rejections are traversed for the reasons stated below.

B. The Rejections Under §103

Claims 1-2, 4, 11-12, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,408,251 to Kaplan in combination with U.S. Patent No. 3,337,992 to Tolson. Claims 1-2, 4, 11-12, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan in combination with U.S. Patent No. 5,576,670 to Heitschel. Claims 7 and 17-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan and Tolson or Heitschel in combination with U.S. Patent No. 4,365,250 to Matsuoka. Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan and Tolson or Heitschel in combination with U.S. Patent No. 4,206,491 to Ligman, U.S. Patent No. 4,369,399 to Lee, or U.S. Patent No. 4,305,060 to Apple. These rejections are traversed for the reasons stated below.

III. The Claims are Allowable

A. The §112 Rejections are Improper

The Office Action stated that claims 1-2, 4, 7, 11-12, 14, 17-18, and 21 did not meet the written description requirement under 35 U.S.C. §112. More specifically, the Office Action stated that support was lacking for the wireless coupling element of independent claims 1 and 11. The claim element at issue in both claims reads “a controller operably and wirelessly coupled to the entry request device and the close button and having an output.”

Support for wireless coupling of the close button and entry request device can be found in at least paragraph [0023] of the published application, which discloses that keypad 32 may be connected via a radio frequency link. The keypad 32 as shown in FIG. 2 includes a close button, and a radio frequency link is known to be a wireless link thereby disclosing wireless coupling.

Moreover, paragraphs [0033] and [0034] of the published application explain that “the specific action button 512 may be placed on the keypad 506” and that in one example “the specific action 512 in FIG. 5 is the close only button 26 in FIG. 1” and the “keypad 506 in FIG. 5 is the keypad 32 in FIG. 1.” The combination of these teachings with the teachings of paragraph [0023] that the keypad may be connected via a radio frequency link shows that the keypad (an example entry request device) and close button may be wirelessly coupled to the controller. Therefore, wireless coupling of the entry request device and close button is clearly supported by the specification.

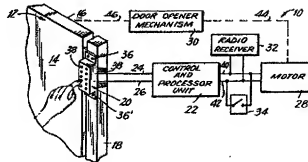
Consequently, it is submitted that the §112 rejection of claims 1 and 11 should be withdrawn. Claims 2, 4, 7, 12, 14, and 17-18 depend upon claims 1 or 11. Because the rejections to claims 1 and 11 have been shown to be improper, it is submitted that the rejections to the remaining claims are also obviated.

B. The §103 Rejections are Traversed

1. The combination of Kaplan and Tolson changes the principle of operation of Kaplan and cannot operate in the manner set forth in the claims.

Claims 1-2, 4, 11-12, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,408,251 to Kaplan in combination with U.S. Patent No. 3,337,992 to Tolson. Kaplan describes a security system that is designed to be tamper-resistant. As shown in FIG. 1 of Kaplan (reproduced below for the convenience of the Examiner), a keypad 20 is coupled by control wires 24 and 26 to a control and processor unit 22. The control and processor unit 22 is not mounted with the keypad 20 but is mounted in the interior of the garage. See Kaplan, Abstract and col. 4, lined 66-67. The control and processor unit 22 is also connected to a motor 28. An optional radio receiver 32 may transmit a control signal from the output of the control and processor unit 22 to the motor 28. See

Kaplan, col. 5, lines 27-35. The keypad 20, however, always uses a wired connection with the control and processor unit 22 to prevent tampering.



More specifically, Kaplan's wired connection is central to its operation. Kaplan operates by creating an analog signal based on resistors built into the device when a button is pressed by the user and determining whether the sequence of button presses results in an expected pattern of resistances. See Kaplan, col. 5, line 46 through col. 6, line 34. Such a system could not operate wirelessly.

Furthermore, a combination of Kaplan with Tolson does not remedy this basic deficiency.

For instance, Tolson discloses that a wireless energy path may substitute for the wired connections described therein to operate remotely controlled closures. See Tolson, col. 3, lines 53-62. Tolson describes operating a closure by operating a motor to move a barrier for the amount of time that the wired or wireless connection indicates switch closure. See Tolson, col. 6, lines 41-58. Tolson does not teach full closure of a barrier in response to a brief button press. This simple transmission indicating switch closure could not transmit information regarding resistances as is required by Kaplan for operation, thereby fundamentally changing the operation of the device taught by Kaplan. Such modification of the principle of operation of Kaplan is improper. See MPEP Section 2143.01, Section VI, "THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE" page 2100-141. Accordingly, the combination of Tolson and Kaplan is incapable of operation in a manner that preserves the basic core functionality of Kaplan and hence does not constitute a proper combination under 35 U.S.C. §103(a).

By another approach disclosed by Kaplan, the system determines whether an appropriate submission is received by sensing length of time of the switch closures, which is analogous to the time sensing system of Tolson. See Kaplan, col. 10, lines 4-29. Although these embodiments might be combined to achieve wireless communication of the timing of a switch closure, this combination nevertheless fails to teach all the elements of the pending claims. Claims 1 and 11 recite that the close button produces a close signal whenever the close button is actuated by a user. The combination of the teachings of Kaplan and Tolson in this instance relies on the length of time of the button press to send a close signal; therefore, a close signal is not produced whenever the close button is pressed without changing the operation principles of the devices of Kaplan and Tolson.

Because the combination of Kaplan and Tolson is inappropriate and further cannot disclose all elements of claims 1 and 11, it is submitted that the rejection over Kaplan and Tolson should be withdrawn. Claims 2, 4, and 7 depend from claim 1, and claims 12, 14, 17, 18, and 21 depend ultimately from claim 11. Because the rejections of claims 1 and 11 over Kaplan and Tolson are not proper, it is submitted that the dependent claims are also allowable over this rejection.

2. The combination of Kaplan and Heitschel cannot operate in the manner set forth in the claims without changing the principle of operation of Kaplan.

Claims 1-2, 4, 11-12, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan in combination with U.S. Patent No. 5,576,670 to Heitschel. Kaplan has been described above. Heitschel discloses a keypad transmitter 25 and keypad unit 60 that respond to button presses by wirelessly transmitting coded information. The wirelessly transmitted coded information consists of, for example, registered code words or a binary code representation of a particular key press. See Heitschel, col. 6, line 44 through col. 7, line 35.

Wireless transmission of codes as taught by Heitschel cannot transmit a resistance or timing to be sensed by the controller as taught by Kaplan. Accordingly, the proposed combination of Kaplan and Heitschel would fundamentally change the operation of the device taught by Kaplan. See MPEP Section 2143.01, Section VI, "THE PROPOSED

MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A
REFERENCE" page 2100-141.

Consequently, the proposed combination of Kaplan and Heitschel is improper, and the rejection of claims 1-2, 4, 11-12, and 14 over the proposed combination should be withdrawn.

3. Matsuoka, Ligman, Lee, and Apple fail to remedy the shortcomings of the art discussed above.

As mentioned, claims 7 and 17-18 were rejected under §103(a) as being unpatentable over Kaplan and Tolson or Heitschel in combination with Matsuoka. Kaplan, Tolson, and Heitschel have been described above. Matsuoka does not remedy the deficiencies of these references. In particular, Matsuoka describes a garage door apparatus and a button 12. However, the button 12 is hardwired to the operator, not wirelessly connected as recited in claim 1. See FIG. 1 of Matsuoka. Consequently, since at least one claim element is not taught or suggested by either of the references, it is submitted that claims 7 and 17-18 are allowable over the proposed combination.

As also mentioned, claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan and Tolson or Heitschel in combination with Ligman, Lee, or Apple. Kaplan, Tolson, and Heitschel have been described above. Neither Ligman, Lee, nor Apple remedy the deficiencies of these references. In particular, Ligman teaches an entry system for an automobile. Ligman always uses wired connections and is silent as to any connection being wireless as recited in claim 1. Lee teaches a control circuit for a moveable barrier operator. However, Lee is silent as to wireless communication between a keypad and the control circuit as recited in claim 1. Apple does not even relate to moveable barrier operators, much less key pads. Consequently, since at least one claim element is not taught or suggested by any of the references, it is submitted that claim 21 is allowable over the proposed combination.

IV. Conclusion

We believe that the application is in condition for allowance, and a favorable action is respectfully requested. The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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